

# Notice of Allowability

Application No.

10/518,366

Examiner

Masud Ahmed

Applicant(s)

JAMES-HERBERT, ROBERT

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/14/2007.
2. ☒ The allowed claim(s) is/are 1-5 and 7-12.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

XUAN M. THAI

SUPERVISORY PATENT EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Thomas Edman on Oct 25<sup>th</sup> 2007.

The application has been amended as follows:

- Claim 6 is cancelled.
- Claim 1 is amended as follows, in line 2, "from a tripod" is inserted directly after "player" and "wherein bearing means located on top of the tripod" is inserted directly after bearing means.
- Claim 10 is amended as follows, in line 2, "tripod " is replaced with the word frame directly after "a" and in line 7, "tripod" is replaced with the word frame directly after "the".

Claim 1 now recites: A computer game controller comprising means for suspending a player from a tripod, in a support means such as a chair, or harness, from a bearing means wherein bearing means located on top of the tripod, the bearing means including a control means for inputting position signals to a computer to control the movement of a sprite such as a vehicle or character, in a computer game, the bearing allowing side to side, forwards and backwards, and rotational movement of the player about the bearing and including selectively operable locking means for preventing either rotational movement or side to side and forwards and backwards movement, the arrangement being such that movement of the player's body may move the chair or harness to control the sprite in the computer game, the controller[[,]] further including resistance means for increasing the resistance to movement of the support means relative to the bearing, thereby providing physiotherapy exercise for the player.

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Claim 10 now recites: A computer game controller comprising:  
a tripod having a head incorporating a bearing means;  
support means for suspending a player from the bearing means, the bearing means including a position control means for inputting position signals to a computer for controlling the movement of a sprite such as a vehicle or character in a computer game being played on the computer;  
handlebar means which may be fixed relative to the tripod and grasped by the player; further including resistance means for increasing the resistance to movement of the support means relative to the bearing;  
the arrangement being such that movement of the player grasping the handlebar means and moving their body may cause rotational, side to side or back and forth movement of the bearing causing a corresponding movement in the control means with the resistance means increasing the effort required by the player to move the support means thereby providing physiotherapy or exercise to the player.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Masud Ahmed whose telephone number is 571 270 1315. The examiner can normally be reached on Mon-Fri 9:30am-5:30pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571 272 7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MA



10/25/07



**XUAN M. THAI**  
**SUPERVISORY PATENT EXAMINER**